

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BYRD UNDERGROUND, LLC,
Plaintiff(s),

v.

AUTOMATIC DATA PROCESSING, INC.,
Defendant(s).

Case No. 2:22-cv-01329-CDS-NJK

Order

[Docket No. 20]

Pending before the Court is a discovery plan seeking special scheduling review. Docket No. 20. The discovery plan fails on multiple levels.

First and most significantly, the parties seek to delay their discovery obligations in light of a pending motion to dismiss. *See* Docket No. 20 at 2; *see also id.* at 3 (requesting floating deadline for initial disclosures of 14 days after answer is filed following ruling on motion to dismiss). “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). No showing has been made that discovery should be delayed in this case based on the pendency of the motion to dismiss.

Second, the other reasons advanced for special scheduling review are not sufficiently developed. There is one sentence indicating that the case is complex because it involves potential tax issues. Docket No. 20 at 2. Meaningful elaboration is not provided. The discovery plan also indicates without elaboration that the parties are exploring settlement. *Id.* While the Court encourages amicable resolution of cases, settlement discussions are a common feature of federal litigation and do not generally warrant additional time for discovery. *Williams v. James River Grp. Inc.*, ___ F. Supp. 3d ___, 2022 WL 4181415, at *5 (D. Nev. Sept. 13, 2022) (collecting cases). No showing has been made as to why the Court should decide differently here.

1 Third, the parties seek bifurcated discovery, with expert discovery to be conducted after
2 the close of fact discovery. Docket No. 20 at 2. No explanation has been advanced as to why the
3 Court should depart from the default discovery structure in the local rules.

4 Fourth, discovery plans must include “calendar dates” for the deadlines proposed, Local
5 Rules 26-1(b)(1), (2), (3), and (4), but the discovery plan here seeks floating deadlines rather than
6 deadlines with specific calendar dates.

7 Accordingly, the discovery plan is **DENIED** without prejudice. A renewed discovery plan
8 must be filed by December 28, 2022.

9 IT IS SO ORDERED.

10 Dated: December 19, 2022

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13 Nancy J. Koppe
14 United States Magistrate Judge
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